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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,695	12/21/2001	Jerry Martin Kramer	US 010692	6941

24737 7590 12/08/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
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EXAMINER

CLINGER, JAMES C

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/023,695

Applicant(s)
Kramer

Examiner
Jim Clinger

Art Unit
2821



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 8, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Sep 16, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7 6) ☐ Other:

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DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-19 is withdrawn in view of the newly discovered reference(s) to Moskowitz et al.(5,684,367) and Shen(6,498,441). Rejections based on the newly cited reference(s) follow. The following rejections are based on the claims presented in the Amendment filed on May 27, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5-6 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moskowitz et al.(5,684,367).

Claim 5, figure 2 discloses a sweep signal with a frequency(102) which straightens the arc of a HID lamp(10), a carrier frequency as recited(col. 3, lines 52-57) and exciting an acoustic mode(col. 1, lines 58-61).

Claim 6, arc straightening is controlled as recited(col. 2, line 5).

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Claim 17, figure 2 discloses a vessel(10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz in view of Shen(6,498,441).

Claim 1, 13 and 16, figure 2 discloses a sweep signal(102), lamp(10) and frequency bands(col. 3, lines 52-59) as recited except the disclosed signals are LF instead of VHF. Shen discloses using VHF signals with a HID lamp for improved operation of the lamp(col. 1).

Claim 2, arc stability is disclosed(abstract).

Claims 3-4, amplitude modulation and control is disclosed(col. 1, line 60; and col. 2).

Claims 7-8 and 18, the recited frequency ratio is disclosed(col. 2, line 56 to col. 3, line 3).

Claims 9, 12 and 19, two acoustic modes as recited are disclosed(col. 3, lines 4-35).

Claims 10 and 14, the lamp(10) in figure 1 has cylindrical symmetry.

Claims 11 and 15, ceramic envelopes are well known in the art and would be an obvious modification of the disclosed device(col. 3, lines 5-12).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to use VHF frequencies as disclosed in Shen with the device disclosed in Moskowitz for an improved lamp as disclosed in Shen.

Correspondence

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jim Clinger whose phone number is (703) 305-0619.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications only may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 872-9306.

A handwritten signature in black ink, appearing to be "J. Clinger", is located at the bottom right of the page.